

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT E. COYLE,

Plaintiff,

-against-

JO ANNE B. BARNHART,
Commissioner of Social Security

Defendant.

-----X
DEBORAH A. BATTIS, United States District Judge.

USDC SDNY
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01 Civ. 11801 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

This matter is before the Court upon the October 6, 2005 Report and Recommendation of United States Magistrate Judge Michael H. Dolinger. Pursuant to 28 U.S.C. § 636(b)(1)(C), "[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. Rule 72(b) (stating that "[w]ithin 10 days after being served with a copy of the recommended disposition, a party may serve and file specific, written objections to the proposed findings and recommendations"). Despite being advised of this procedure in Magistrate Judge Dolinger's Report and Recommendation, to date, no objections to said Report and Recommendation have been filed.

Having reviewed the Report and Recommendation, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby


ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Michael H. Dolinger, dated October 6, 2005, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety;

2. Pursuant to Magistrate Judge Dolinger's recommendation, Plaintiff's Motion for Judgment on the Pleadings should be GRANTED to the extent of remanding the case to the Social Security Administration to re-weigh the evidence pursuant to the 1991 Regulations and to develop the record further as may be needed. In all other respects both parties' motions shall be DENIED.

SO ORDERED.

Dated: New York, New York
May 25, 2006


DEBORAH A. BATTS
United States District Judge